committed of offering resistence to his arrest, etc., the punishment need not be provided for the refusal to accompany and that is the object with which this amendment is tabled. As I submitted, the earlier part of the section has been drafted on to section 8 and the remaining portion of the section has been modified accordingly. I commend this for the kind acceptance of this Hon'ble House.

Mr. M. Krishna Menon *(Trichur-North):* I second it.

Mr. M. Sivarama Menon *(Advocate-General):* The Government accept the amendment.

Amendment put and carried

Clause 20 as amended put and carried

Clauses 21 and 22 put and carried

Clause 23

Mr. K. Narayana Menon *(Mulakunnathukavu):* I beg to move, Sir, that instead of the words "at the end" appearing between "shall" and "of" the words "on the day of expiry" may be substituted. It is only a verbal alteration to fix the date on which the person is to be produced before the Magistrate.

Mr. M. Sivarama Menon *(Advocate-General):* I accept the amendment.

Amendment put and carried

Clause 23 as amended put and carried

Clauses 24 to 27 put and carried

Clause 28

Mr. K. Narayana Menon *(Mulakunnathukavu):* I beg to move, Sir, that in clause 28 (1) all words occurring after the word "institutions" may be deleted and the words "under Section 13 (3)" may be substituted. This is only a reproduction of what is contained in Section 13 (3) and a reference to Section 13 (3) will be a complete provision and will bring in all that is required.

Mr. M. Sivarama Menon *(Advocate-General):* I accept the amendment.

Amendment put and carried

Clause 28 as amended put and carried

Clause 1 put and carried

Title and Preamble put and carried

Mr. C. J. Mathew *(Joint Secretary to Government):* I beg to move that the Bill be taken up and finally passed to-morrow.

Mr. M. Sivarama Menon *(Advocate-General):* I second it.

Motion put and carried

The Preservation of Eries Bill

Mr. A. Madhava Prabhu *(Diwan Peishkar):* I beg to present the report of the Select Committee on the Preservation of Eries Bill and move that the Bill be taken up for consideration.

Mr. M. Sivarama Menon *(Advocate-General):* I second the motion that the Bill as reported by the Select Committee be taken into consideration.

Mr. T. P. Poulose *(Kanayannur):* May I know Sir, the reason for making it applicable to the whole State? The Bill as introduced was intended to apply only to the Chittur Taluk. The Select Committee appointed to consider this Bill consisted of members from the Chittur Taluk alone and evidence was taken only from the people of Chittur Taluk. What was the reason for making it applicable to the whole State?

Mr. M. Sivarama Menon *(Advocate-General):* It was thought by some Hon'ble Members of this House that although this Bill may be of particular interest to Chittur Taluk it will have to be applied to other areas because there are irrigation canals in other parts of the State which also will have to be kept in a fit and proper condition. The Act can be brought into force only if any particular canal is notified as an Eri by the Government. It is only when particular Eries are notified in the Gazette as such that they come within the purview of the provisions of the Act.

LIBRARY ARCHIVES Kerala Legislative Assembly

Mr. C. V. Iyyu *(Kunnamkulam):* Will it not be proper that that portion may be deleted from the Bill for the time being and it may be again brought as an amending Bill so that people in those areas may consider about the different aspects of the Bill.

Mr. M. Sivarama Menon *(Advocate-General):* The Bill will not automatically become applicable to the whole State. If a particular canal is intended to be brought within the purview of this Act that canal must be declared by the Government to be an Eri. That will be the time for the Government to consider objections raised by the people. Now this will be applicable to whole State, but it can be worked only when a notification is issued by the Government that such and such a canal or pond shall be deemed to be an Eri for the purpose of this Act. It is only when such a notification is issued that it will come under the provisions of this Bill.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* Can the House be assured that at the time of the notification referred to by the Hon'ble Law Member the people will be given an opportunity for objection to be put in ?

Mr. M. Sivarama Menon *(Advocate-General):* Certainly, objections will be heard.

Mr. T. P. Poulose *(Kanayannur):* Sir, the Bill when it was originally introduced was applicable only to the Chittur Taluk. I don't know whether anyone of the Members expressed a desire that it should be made applicable to the other parts of the State as well. But the House did not vote on the question. The House voted only on the question that a Bill of this type may be passed for the Chittur Taluk. But the fact that some members might have expressed a desire that it should be made applicable to the whole State is not conclusive to show that the House itself was of that view. That the House was not of that view is clear from the fact that the members of the Select Committee it appointed consisted only of members coming from the Chittur Taluk. It is clear indication that the House was not of the view that it should be made applicable to the other parts of the State. The evidence was taken only from the people of Chittur Taluk. Then it is too much for the Committee to report that the Bill should be made applicable to the other parts of the State. The Bill imposes certain obligations upon individuals to maintain certain canals, tanks, and similar water courses in a proper condition at their own expense even if they do not want them. Whether all parts of the State should have this provision and whether the Executive should have the power to impose such an obligation upon people in other parts of the State is a matter which must be considered by this House. The Select Committee should have taken evidence from the other parts of the State as well on this matter. The thing is the Village Officers will be able to annoy individuals. After all the Diwan Peishkar sits at the Headquarters and acts on reports from his subordinates. The Village Officers will therefore be in a position to annoy private owners of tanks and water courses by sending reports to the Diwan Peishkar and the Diwan Peishkar passing orders thereon. In fact there was no demand from other parts of the State that the Executive would have such powers. I request the Government to confine the Bill only to the Chittur Taluk as originally proposed.

Mr. M. Sivarama Menon *(Advocate-General):* The Select Committee has taken ample precautions to prevant any annoyance being caused to any man. It is on account of a misapprehension in the minds of some Hon'ble Members that this objection is raised. What does clause (2) say ? "Eri" means a tank, well, canal or other reservoir used for the storage of water for purposes of cultivation and notified by Government in the Cochin Government Gazette as an Eri for the purposes of this Act". Then look at clause (3)—(1) "Government may for the purposes of determining the Eries to which this Act should be made applicable, by notification in the Cochin Government Gazette, require the owners and persons in possession of lands to furnish to the Diwan Peishkar within a specified period particulars in such form as may be prescribed, of the tanks, wells, canals or other reservoirs for the storage of water for agricultural purposes in their lands".

Then there is the Appeal Section. "An appeal shall lie to Government on the orders passed by the Diwan Peishkar under section 3 or section 4 or section 6. Such appeals shall be presented within thirty days from the date of the receipt of the order complained against. The orders of Government or where there has been no appeal, the orders of the Diwan Peishkar shall be final and shall not be called in question in a court of law." Therefore Government have got ample opportunities to determine whether there is any necessity to make the provisions of this Act applicable to any particular area. Even if it is made applicable to any particular area then the question will be to which Eries it should be made applicable. Then there are opportunities given for objections to be raised. An appeal has been provided from the orders of the Diwan Peishkar to the Government. Therefore, I do not think that these apprehensions are well founded.

LIBRARY ARCHIVES Kerala Legislative Assembly

Mr. T. P. Poulose *(Kanayannur):* Even under the presumptions that the Government will do things properly it is not necessary to invest Government with such powers unless there is specific necessity. No case has been made out that in other parts of the State there is necessity for the Government to have such powers.

Mr. M. Sivarama Menon *(Advocate-General):* If there is an irrigation canal through which water is taken by more than one land-owner and if there is obstruction caused to the free flow of water, due to any reason whatsoever, then there is necessity for the Government to have such powers.

Rao Sahib K. Ayyappan *(Ezhuvas-Kanayannur):* Is there any canal?

Mr. M. Sivarama Menon *(Advocate-General):* The Hon'ble Member for Trippunittura wanted the Bill to apply to the whole State.

Mr. P. P. Devassy *(Trichur-South):* Why was this at first confined to one Taluk?

Mr. M. Sivarama Menon *(Advocate-General):* Because there are a number of irrigation tanks in Chittur.

Mr. C. V. Iyyu *(Kunnamkulam):* The people of the State were under the impression that this will come into force only in Chittur. The House is not in possession of all the the facts. The Select Committee did not collect evidence from other parts of the State. We cannot all on a sudden say what effect it will have on the ryots of other places.

Mr. T. P. Poulose *(Kanayannur):* Why is it that the Government is very particular about making it applicable to the whole State?

Mr. M. Sivarama Menon *(Advocate-General):* The Government is not at all particular.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* Can we avoid a vote on this?

Mr. President: It must come in the form of an amendment.

Mr. A. V. Moothedan *(Chalakkudi):* The title of the Bill shows that this applies only to the Chittur Taluk. 'Eri' is not a Malayalam word. It is a Tamil word. If you are using an English word for that it is all right. We never use a Tamil word in these parts. 'Eri' is unknown in the Kanayannur Taluk. You may delete the whole Bill and bring in a new Bill under a new title. I think there will be a lot of hardship if this is made applicable to the whole State.

Mr. T. P. Poulose *(Kanayannur):* Unless the Government is prepared to move it in an amended form since no non-official member has tabled a amendment, we will be forced to oppose this Bill as it is. I suggest to the Government that they may be pleased to move it in an amended form.

Mr. A. Madhava Prabhu *(Diwan Peishkar):* We will move an amendment to that effect.

Motion put and carried

Mr. President: The consideration of the Bill will be taken up to-morrow. I hope Hon'ble Members will have no objection to take the Bill for final reading on Thursday.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* No objection.

The Cochin Arbitration Bill

Mr. M. Sivarama Menon *(Advocate-General):* Sir, I beg to present the report of the Select Committee on the Cochin Arbitration Bill and I move that the Bill as reported by the Committee may be taken into consideration.

Mr. B. V. K. Menon *(Joint Secretary to Government):* I second it.

Mr. M. Sivarama Menon *(Advocate-General):* Sir, I wish to confine myself to the statement that the Select Committee appointed to consider this Bill went into minute details and compared this Bill with the provisions in the Indian Arbitration Act and it has been considered wise to adopt analogous provisions. No amendments are necessary to this Bill which is exactly on the lines of the Indian Arbitration Act. I request that the House may be pleased to pass the motion.

Motion put and carried

Clauses 2 to 49 put and carried

Clause 1 put and carried

Title and Preamble put and carried

Mr. M. Sivarama Menon *(Advocate-General):* Sir, I beg to move that the Bill may be taken up and finally passed to-morrow.

LIBRARY ARCHIVES Kerala Legislative Assembly